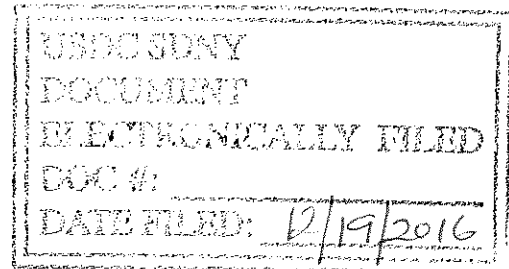


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



- - - - - x  
:  
UNITED STATES OF AMERICA  
:  
-v.  
:  
DAVID W. KENT,  
:  
Defendant.  
:  
- - - - - x

CONSENT PRELIMINARY ORDER  
OF FORFEITURE/  
MONEY JUDGMENT  
S1 16 Cr. 385 (DLC)

WHEREAS, on or about December 19, 2016, DAVID W. KENT (the "defendant"), was charged in a one-count Information, 16 Cr. 285 (DLC) (the "Information"), with computer fraud, in violation of Title 18, United States Code, Sections 1030(a)(2)(C), (c)(2)(B), and 2 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 1030(i), of any and all property, real or personal, constituting or derived from, any proceeds obtained directly or indirectly, as a result of the offense charged in Count One of the Information, and any and all personal property that was used or intended to be used to commit or to facilitate the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Information;

WHEREAS, on or about December 19, 2016, the defendant pled guilty to Count One of the Information and admitted the forfeiture allegation with respect to Count One of the Information, pursuant to a plea agreement with the Government, and agreed to forfeit, a sum of money equal to \$2,932,800 in United States currency, representing all property, real or personal, which constitutes or is derived from proceeds obtained directly or indirectly by the defendant as a result of the commission of the offense charged in Count One of the Information; and

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$2,932,800 in United States currency, representing all property, real or personal, which constitutes or is derived from proceeds obtained directly or indirectly by the defendant as a result of the commission of the offense charged in Count One of the Information;

IT IS HEREBY STIPULATED AND AGREED, by and between United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Andrew K. Chan, of counsel, and the defendant, and his counsel, Dan Cogdell, Esq. that:

1. As a result of the offense charged in Count One of the Information, to which the defendant pled guilty, a money

judgment in the amount of \$2,932,800 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, DAVID W. KENT, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. This Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Jason Cowley, Chief, Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

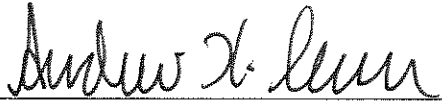
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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

PREET BHARARA  
United States Attorney for the  
Southern District of New York


By:   
ANDREW K. CHAN  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-1072

12/19/16  
DATE

DAVID W. KENT  
Defendant

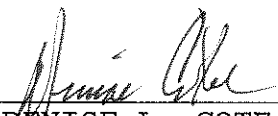
By:   
DAVID W. KENT

12/19/16  
DATE

By:   
DAN COGDELL, ESQ.  
Attorney for Defendant  
Cogdell Law Firm, PLLC  
402 Main Street, 4<sup>th</sup> Floor  
Houston, TX 77002

12/19/16  
DATE

SO ORDERED:

  
HONORABLE DENISE L. COTE  
UNITED STATES DISTRICT JUDGE

12/19/2016  
DATE